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June 2, 2014

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

A handwritten signature in black ink, which appears to read "Cynthia A. Harding". The signature is written over the printed name of the Chief Deputy Director.

SUBJECT: **NOTICE OF FEDERAL ENHANCEMENT OF EMPLOYEE WHISTLEBLOWER PROTECTIONS**

This is to notify you that the Department of Public Health (DPH) has received notification from the federal Centers for Disease Control and Prevention and the Health Resources and Services Administration that the National Defense Authorization Act for fiscal year 2013 mandates a Pilot Program for Enhancement of Employee Whistleblower Protections that requires that all grantees, subgrantees, and subcontractors inform their employees working on any federal award that they are subject to whistleblower rights and remedies; inform their employees, in writing, of the employee whistleblower protections under statute 41 United States Code 4712 in the predominant native language of the workforce; and include such requirement in any agreement made with a subcontractor or subgrantee.

To comply with this federal mandate, Attachment I is being added to all new DPH contracts that are federally funded as well as included in any amendments to current DPH contracts that are federally funded. In addition, DPH's Human Resources Division will reissue DPH Policy 1101: Reporting Fraud and Suspected Conduct to all DPH employees.

If you have any questions or would like additional information, please let me know.

JEF:mr
#03003

Attachment

c: DPH Human Resources Division
Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors

17D. WHISTLEBLOWER PROTECTIONS:

A. Per statute 41 United States Code (U.S.C.) 4712, all employees working for contractors, grantees, subcontractors, and subgrantees on federal grants and contracts are subject to whistleblower rights, remedies, and protections and may not be discharged, demoted, or otherwise discriminated against as a reprisal for whistleblowing. In addition, whistleblowing protections cannot be waived by any agreement, policy, form, or condition of employment.

B. Whistleblowing is defined as making a disclosure "that the employee reasonably believes" is evidence of any of the following: gross mismanagement of a federal contract or grant; a gross waste of federal funds; an abuse of authority relating to a federal contract or grant; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a federal contract or grant (including the competition for, or negotiation of, a contract or grant). To qualify under the statute, the employee's disclosure must be made to: a member of Congress, or a representative of a Congressional committee; an Inspector General; the Government Accountability Office; a federal employee responsible for contract or grant oversight or management at the relevant agency; an official from the Department of Justice, or other law enforcement agency; a court or grand jury; or a management official or other employee of the contractor, subcontractor, grantee, or subgrantee who has the responsibility to investigate, discover, or address misconduct.

C. The National Defense Authorization Act for fiscal year 2013, enacted January 2, 2013, mandates a Pilot Program for Enhancement of Contractor

Employee Whistleblower Protections that requires that all grantees, their subgrantees, and subcontractors: to inform their employees working on any federal award that they are subject to the whistleblower rights and remedies of the pilot program; to inform their employees in writing of the employee whistleblower protections under statute 41 U.S.C. 4712 in the predominant native language of the workforce; and, contractors and grantees shall include such requirements in any agreement made with a subcontractor or subgrantee.”